

# Exhibit A

## EXHIBIT A

### Suffolk Amended Complaint/Consolidated Complaint Comparisons, e.g.

#### ABBOTT

##### Suffolk Amended Complaint

- Fraudulent AWP's for:
  - Depokote Tab 250
  - Depakote Tab 500
  - Kaletra Cap Softgel

SC at ¶ 125

##### Consolidated Complaint

- Fraudulent AWP's compared with "DOJ Determined Actual AWP's" in 2001 for:
  - Acetylcysteine
  - Acyclovir<sup>1</sup>
  - Amikacin Sulfate
  - Calcitriol (Calcijex)
  - Cimetidine Hydrochloride<sup>2</sup>
  - Clindamycin Phosphate<sup>3</sup>
  - Dextrose
  - Dextrose Sodium Chloride
  - Diazepam<sup>4</sup>
  - Furosemide<sup>5</sup>
  - Gentamicin Sulfate
  - Heparin Lock Flush
  - Metholprednisolone Sodium Succinate
  - Sodium Chloride
  - Tobramycin Sulfate
  - Vancomycin Hydrochloride
- Fraudulent AWP's compared with actual wholesale prices for Vancomycin 1995, 1996, 1999
- Fraudulent AWP's compared with "DOJ actual prices" for Amikacin from 1997-2003

CC at ¶ 183

CC at ¶ 187

CC at ¶ 189

---

<sup>1</sup> Went on FUL list on November 20, 2001. From January 1- November 19, 2001 was reimbursed based on AWP.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

- Fraudulent AWP for 551 NDCs from year 2000 *See Exhibit A to CC*
- Examples of generally available actual market prices for 72 NDCs with spreads of 48.67% - 2045.16% below AWP *See Exhibit B-1 to CC*

## **ALPHARMA GROUP (Alpharma, Faulding, Purepac)**

### Suffolk Amended Complaint

- Not named in Suffolk

### Consolidated Complaint

- Fraudulent AWP compared with actual wholesale prices for Alprazolam 0.5mg (tab) from 2000-2002 *CC at ¶ 206*
- Fraudulent AWP compared with actual wholesale prices for Clobetasol 0.05% cream from 2001-2002 *CC at ¶ 207*
- FUL manipulation for Clobetasol 0.5% cream in 2001 *CC at ¶¶ 208- 209*
- Fraudulent AWP compared with actual wholesale prices for Isosorbide 30mg 2001-2005 *CC at ¶ 211*
- Fraudulent AWP for 414 NDCs from year 2000 *See Exhibit A to CC*
- Examples of generally available actual market prices for 228 NDCs with spreads of 40.11% - 4979.96% below AWP *See Exhibit B-3 to CC*

## **ALPHA THERAPEUTICS**

### Suffolk Amended Complaint

- Not named in Suffolk

### Consolidated Complaint

- Fraudulent AWP compared with actual wholesale price in 1995 for Venoglobulin-S 5% *CC at ¶ 221*
- Fraudulent AWP compared with actual wholesale price for Venoglobulin-S 10% in 1995 *CC at ¶ 221*

- Fraudulent AWP compared with actual wholesale price for Venoglobulin-S 10% in 2000 CC at ¶ 222
- Fraudulent AWP for 7 NDCs from year 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 2 NDCs with spreads of 48.67% below AWP See Exhibit B-2 to CC

## AMGEN GROUP (Amgen, Immunex)

### Suffolk Amended Complaint

- Fraudulent AWP in 2001 for:
  - Epogen Vial 10,000v/ml
  - Enbrel Kit 25mg
  - Neupogen Vial 300mcg/ml
 SC at ¶ 138

### Consolidated Complaint

- Specific examples of marketing spread for Aranesep CC at ¶¶ 230-233
- Fraudulent AWP compared with actual wholesale price for Neulasta 1mg PFS in 2003 CC at ¶ 234
- Fraudulent AWP compared with actual wholesale price for Neupogen 480mcg in 2003 CC at ¶ 235
- Fraudulent AWP compared with actual wholesale prices for Leucovorin 350mg in 1992 CC at ¶ 236
- Fraudulent AWP compared with actual wholesale prices for Leucovorin 50mg, 100mg, 350mg in 1995 CC at ¶ 237
- Fraudulent AWP compared with actual wholesale prices for Methotrexate LP 50mg, LP 100mg, 200mg, LP 250mg in 1998 CC at ¶ 238
- Fraudulent AWP for 59 NDCs from year 2000 See Exhibit A to CC
- Examples of generally available actual market prices for five NDCs with spreads of 329.91% - 476.82% below AWP See Exhibit B-4 to CC

## ASTRAZENECA

### Suffolk Amended Complaint

- Fraudulent AWP in 2001 for:
  - Nexium
  - Prilosec
  - Seroquel

SC at ¶ 146

#### Consolidated Complaint

- Fraudulent AWP compared with actual price for Zestril 40 mg/100 NOC in 2000 CC at ¶ 257
- Specific examples of company policy of marketing spread CC at ¶¶ 252-255
- Fraudulent AWP for 183 NDCs from year 2000. See Exhibit A to CC
- Examples of generally available actual market prices for 60 NDCs with spreads of 50.44% -3980.68% below AWP. See Exhibit B-5 to CC

### **BARR**

#### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Fluoxetine SC at ¶ 166

#### Consolidated Complaint

- Fraudulent AWP compared with actual wholesale priced for Chlordiazepoxide 25mg cap in 2000-2001 CC at ¶¶ 280-281
- Manipulation of FUL in 2001 for Chlordiazepoxide 25mg cap CC at ¶¶ 283-284
- Fraudulent AWP for 293 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 145 NDCs with spreads of 48.17% -3467.36% below AWP See Exhibit B-6 to CC

### **BAXTER**

#### Suffolk Amended Complaint

- Not named in SC

#### Consolidated Complaint

- Specific examples of company-wide policy of marketing spread CC at ¶¶ 291-296
- Fraudulent AWP compared with “DOJ Determined Actual AWP” for Dextrose, Dextrose Sodium Chloride and Sodium Chloride CC at ¶ 297
- Fraudulent AWP compared with actual wholesale price for Sodium Chloride Irrigation Solution 500 ml 18s. CC at ¶ 300
- Fraudulent AWP compared with actual wholesale price for Dextrose 5% 25ml in 2000 CC at ¶ 302
- Fraudulent AWP for 92 NDCs from year 2000 See Exhibit A to CC
- Examples of generally available market prices for two NDCs with spreads of 38.09% -617.59% below AWP See Exhibit B-7 to CC

## **BAYER**

### Suffolk Amended Complaint

- Fraudulent pricing for Cipro Tab 500mg in 2001 SC at ¶ 171

### Consolidated Complaint

- Specific examples of marketing spread for Recombinate CC at ¶ 312
- Specific examples of using off-invoice pricing in 1994 for Gamimmune-N 10% and Kogenate to eliminate Medicaid risk CC at ¶¶ 314-317
- DOJ conclusion of fraudulent AWP for Immune Globulin CC at ¶ 321
- Fraudulent AWP for 72 NDCs from year 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 34 NDCs with spreads of 117.04% -1905.25% below AWP See Exhibit B-8 to CC

## **BIOGEN IDEC**

### Suffolk Amended Complaint

- Fraudulent pricing for Avonex VL 30mg in 2001 CC at ¶ 189

### Consolidated Complaint

- Specific allegations of Best Price/Rebate non-compliance with respect to Amevive, Zevalin and Avonex CC at ¶¶ 331-335
- Fraudulent AWP for 1 NDC from year 2000 See Exhibit A to CC

**BOEHRINGER GROUP (Boehringer, Bedford, Ben Venue, Roxane)**

Suffolk Amended Complaint

- Not named in SC

Consolidated Complaint

- Fraudulent AWP compared with “DOJ Determined Actual AWP” for:
  - Acyclovir Sodium
  - Amikacin Sulfate
  - Mitomicyn
  - Cytarabine
  - Doxorubicin HCL
  - Etoposide
  - Leucovorin Calcium
  - Methotrexate Sodium
  - Vinblastine Sulfate
 CC at ¶ 344
- Specific allegations of company policy to sell drugs at deep discounts off AWP and to market spread CC ¶¶ 342, 343, 345
- Fraudulent for AWP compared with actual wholesale prices for ipratropium bromide in 1999 and 2000 CC at ¶¶ 348-349
- Fraudulent AWP compared with actual wholesale prices for lithium carbonate from 1994-1996 CC at ¶ 350
- Fraudulent AWP compared with actual wholesale prices for Furosemide 20mg tablets in 2000-2001<sup>6</sup> CC at ¶¶ 351-352
- Manipulation of FUL for Furosemide 20mg tablets in 2001 CC ¶¶ 354-355
- Fraudulent AWP compared with actual wholesale price for Haloperidol Deconoate 100 mg/ml in 2000 CC at ¶ 356
- Fraudulent AWP compared with actual wholesale price for Prednisone 20mg tablets in 2000 CC at ¶ 357

---

<sup>6</sup> Furosemide 20mg went on FUL list on November 20, 2001.

- Fraudulent AWP's for 360 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 210 NDCs with spreads of 40.08% -1572.07% below AWP See Exhibit B-10 to CC

## **BMS GROUP (Bristol Myers, Apothecon, Westwood, OTN)**

### Suffolk Amended Complaint

- Fraudulent prices for Buspar, Glucophage, Plavix, Pravachol, Sustiva, Zerit SC at ¶ 194

### Consolidated Complaint

- Specific allegations of BMS policy to market spreads for BMS drugs, including Vepesid and Etoposide CC at ¶¶ 370-371
- Fraudulent AWP's compared with actual wholesale prices for Cytosan Lyophilized IV 1mg, in 2000-2001; deep discounting off WAC for same CC at ¶¶ 379-380
- Fraudulent AWP's compared with actual wholesale prices for Vepesid in 1998 and 2000 CC at ¶¶ 381, 382
- Fraudulent AWP's compared with actual wholesale prices for Blenoxane in 1995, 1997 and 1998 CC at ¶ 383
- Fraudulent AWP's compared with actual wholesale prices for Amiken 500mg/2m-10s and Amikin 1g/vial 4m – 10s in 1998 CC at ¶ 384
- Fraudulent AWP's for 687 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 269 NDCs with spreads of 41.51% -6685.76% below AWP See Exhibit B-9 to CC

## **CHIRON**

### Suffolk Amended Complaint

- False AWP's for Tobin Neb 300/5ml (amended) SC at ¶ 202

### Consolidated Complaint

- False AWP's compared with actual wholesale prices in 1995 for



Cytarabine, Lyoph; Doxorubicin Solution; Leuvocorin, Lyoph  
and Methotrexate PFS

CC at ¶ 391

- Specific examples from 1995 of marketing spread between acquisition cost and False AWP for Leucovorin injection 200mg and Doxorubicin HCL, sol, 200mg CC at ¶ 392
- Specific examples of off-invoice pricing to maintain fictional wholesale Prices for Leucovorin 200mg and Doxorubicin CC at ¶ 393
- Fraudulent prices and unreported discounts for Acetylcystine, Doxorubicin, Cytarabine, Doxorubicin HCL CC at ¶ 394
- Fraudulent AWP compared with actual true prices for Mitomycin 20mg 1995-1998 CC ¶ 395
- Fraudulent AWP for 2 NDCs in 2000 See Exhibit A to CC

## DEY

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- Specific examples of marketing spread for Albuterol, Cromolyn, Metaproterenol, and other drugs at issue CC at ¶¶ 404-411
- Fraudulent AWP compared with actual wholesale price for Metaproterenol Sulfate in 2000 CC at ¶ 416
- Fraudulent AWP compared with actual prices for Albuterol and Ipratropium Bromide 1996, 1999, 2000 and 2001 CC at ¶ 419
- Fraudulent pricing in 2001 for Acetylcystine, Albuterol Sulfate<sup>7</sup>, Cromolyn Sodium<sup>8</sup> and Metaproterenol Sulfate CC at ¶ 421
- Fraudulent AWP compared with actual sales prices for:
  - Acetylcystine Solution
  - Albuterol Sulfate Inhalation Soln.
  - Cromolyn Sodium Inhalation
  - USP, Metaproterenol Sulfate Inhalation Soln.

<sup>7</sup> Went on FUL list on November 20, 2001. From January 1- November 19, 2001 was reimbursed based on AWP.

<sup>8</sup> *Id.*

- Sodium Chloride Solution CC at ¶ 425
- Specific OIG findings regarding Albuterol Sulfate's excessive reimbursement costs CC at ¶¶ 423-424
- False and inflated AWP's compared with actual wholesale prices for Albuterol Sulfate from 1993 and 1998 CC at ¶ 426
- Improper utilization of off-invoice pricing for Cromolyn Sodium and Ipratropium Bromide, failure to account for off-invoice sales CC at ¶¶ 429-431
- Fraudulent AWP's for 43 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 29 NDCs with spreads of 69.33% -774.27% below AWP See Exhibit B-11 to CC

## **ELI LILLY**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for:
  - Prozac cap 20mg, 40mg
  - Zyprex tabs
 SC at ¶ 208

### Consolidated Complaint

- Specific allegation that Lilly negotiated prices with its providers, PBMS, GPOs and other large purchasers at deep discounts off WAC, while at same time maintaining false AWP CC at ¶ 437
- Fraudulent AWP's compared with actual prices (based on House Committee documents) in 2001 for Vancocin 10mg CC at ¶ 439
- Fraudulent AWP compared with actual available price in 2000 for Humalog Mix 75/25 vial CC at ¶ 440
- Specific deep discounts in 2004 for Zyprexa and Symbyax not accounted for in calculations of WAC or AWP CC at ¶ 442-443
- Fraudulent AWP's for 116 NDCs in 2000 See Exhibit A to CC

## **ENDO PHARMACEUTICALS**

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

#### Consolidated Complaint

- Fraudulent AWP compared with actual wholesale prices from 2001-2002 for Selegeline 5mg; Catopril/Hetz 50/25; Oxycodine w/APAP 5/500 Carbidoipo/Levo 25/100; Cimetidine 400mg; Glipizide 10mg CC at ¶ 455
- Fraudulent AWP compared with actual wholesale price for Cyclobenzaprine 10mg tab in 2000 CC at ¶ 457
- Fraudulent AWP compared with actual wholesale price for Glipizide 10mg tab in 2000 CC at ¶ 457
- Manipulation of FUL for Selegeline 5mg, Catopril HCTZ; Oxycodone, Cyclobenzaprine, Carbidoipo/Levo in 2001-2002 CC at ¶ 459
- Fraudulent AWP for 127 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 56 NDCs with spreads of 96.80% - 2323.95% below AWP See Exhibit B-12 to CC

#### **ETHEX**

#### Suffolk Amended Complaint

- Not named in Suffolk Complaint

#### Consolidated Complaint

- Fraudulent AWP compared with actual market price for Nitroglycerin 9mg in 2000-2001 CC at ¶ 467
- Fraudulent AWP compared with actual market price for Hydromorphone HCL 4mg in 2000, 2001, 2003 CC at ¶ 463
- Fraudulent AWP compared with actual market price for Doxazosin Mesylate 4mg in 2000 CC at ¶ 469
- Manipulation of FUL for Doxazosin Mesylate 4mg tablet in 2002 CC ¶¶ 471-472
- Fraudulent AWP for 56 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 52 NDCs

with spreads of 102.14% - 859.11% below AWP

See Exhibit B-13 to CC

## **FOREST GROUP**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Celexa tabs 20mg SC at ¶ 213

### Consolidated Complaint

- Fraudulent AWP compared with actual wholesale prices for Levethroid from July 1997-June 1999 CC at ¶ 482
- Fraudulent AWP compared with actual wholesale price for Tiazac 120mg in 2000 CC at ¶ 483
- Fraudulent AWP for 97 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 20 NDCs with spreads of 37.86% - 125.31% below AWP See Exhibit B-14 to CC

## **FUJISAWA GROUP**

### Suffolk Amended Complaint

- Fraudulent pricing for Prograf cap 1mg SC at ¶ 218

### Consolidated Complaint

- Fraudulent AWP compared with actual prices in 1995 for Triamcinolone, Calcium Gluconate, Cefazolin Sodium, Ceftizolin Sodium, Amcinonide, Doxycycline Hyclate, Fluphenazine Hydrochloride, Folic Acid, Levothyroxine Sodium, Lidocaine Hydrochloride, Magnesium Sulfate, Mannitol, Neostigmine Methylsulfate, Oxytocin, Potassium Acetate, Potassium Chloride, Potassium Phosphate, Pyridoxine Hydrochloride, Scopolamine Hydrbromide, Selenium CC at ¶ 492
- Fraudulent AWP compared with actual prices in 1996 for Adenocard IV, Adenoscan, Aristocort A, Atropine Sulfate Injection, Doxorubicin, Furosemide, Hydroxyzine Hydrochloride, Protamine Sulfate, Selepen, Sodium Acetate, Sodium Bicarbonate, Sodium Chloride, Sodium Phosphate, Tracelyte, Vinblastine Sulfate, Water for Injection CC at ¶ 493

- Fraudulent AWP compared with “DOJ Actual Determined AWP” for:  
Acyclovir Sodium, Sodium Phosphate Fluorouracil, Gentamycin Sulfate,  
Pentamidine Isethionate, Vancomycin Hydrochloride CC at ¶ 495
- Fraudulent AWP for 50 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 10  
NDCs with spreads of 45.49% - 287.35% below AWP See Exhibit B-15 to CC

## **GSK GROUP (GlaxoSmithKline, SmithKline Beecham)**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for:
  - Flonase .05% nasal spray
  - Combivir tab
  - Epivir tab 150mg
  - Lamictal tab 100mg
  - Ziagen tab 300mg
  - Flovent Inhaler 110mcg
  - Serevent inhaler 21mcg
  - Wellbutrin tab 150 mg
  - Augmentin tab 875-125
  - Avandia tab 8mg
  - Paxil tabs 10mg, 20mg, 30mg, 40mg
SC at ¶ 229

### Consolidated Complaint

- Fraudulent pricing and Best Price violations in 2001 for Zantac 150mg CC at ¶ 518-521
- Fraudulent AWP in 1996 for Zofran and Kytril CC at ¶¶ 501-505
- Fraudulent AWP for 356 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 47  
NDCs with spreads of 40.23% - 307.14% below AWP See Exhibit B-16 to CC

## **HOFFMAN-LAROCHE GROUP**

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

Consolidated Complaint

- Fraudulent AWP compared with actual price for Kytril 1 mg/ml vial in 2002 CC at ¶ 527
- Fraudulent AWP for 128 NDCs in 2000 See Exhibit A to CC

**IVAX GROUP (Ivax Corporation and Ivax Pharmaceuticals, Inc.)**

Suffolk Amended Complaint

- Fraudulent AWP for Clozapine SC at ¶ 245

Consolidated Complaint

- Fraudulent AWP compared with actual wholesale price in 2000 for Methyldopa 250mg tablet (1000 count package) CC at ¶ 534
- Fraudulent AWP compared with actual wholesale price in 2002 for Buspirone 10mg (100 count package) CC at ¶ 535
- Fraudulent AWP compared with actual wholesale price in 2003 for Buspirone 10mg (100 count package) CC at ¶ 536
- Manipulation of FUL for Buspirone in 2002-2003 CC at ¶¶ 538-539
- Fraudulent AWP compared with actual wholesale price for Verapamil HCL 240 mg in 2000 CC at ¶ 541
- Fraudulent AWP compared with actual wholesale price for Clozapine in 2000-2002 CC at ¶ 542
- Fraudulent AWP for 1231 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 333 NDCs with spreads of 40.95% - 2737.91% below AWP See Exhibit B-17 to CC

**JOHNSON & JOHNSON GROUP (Johnson & Johnson, Janssen, Ortho McNeil, Ortho Biotech)**

Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Janssen's:
  - Aciphex tab 20mg
  - Duragesic Dis 100 mcg/H

- Risperdal tab .25mg, .5mg, 1mg, 2mg, 3mg, 4mg SC at ¶ 250
- Fraudulent pricing in 2001 for Ortho McNeil's:
  - Ultram tab 50 mg
  - Topamax tab 100mg
  - Levaquin tab 500mg SC at ¶ 251
- Fraudulent pricing in 2001 for Ortho Biotech's Procrit vial 1000U/ML, 2000U/ML, 4000U/ML SC at ¶ 251

#### Consolidated Complaint

- Fraudulent AWP compared with available price for Sod/Potass/K Cit/Sodium Cit (473 ml) in 2000 CC at ¶ 553
- Fraudulent AWP compared with available price for Ketoconazole (200mg) in 2000 CC at ¶ 554
- Fraudulent AWP compared with available price for Topamax (25mg 60s) in 2000 CC at ¶ 555
- Specific examples of marketing spread and deep discounting off AWP for Procrit in 2001 and 2003 CC at ¶¶ 558-559
- Fraudulent AWP for 164 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 24 NDCs with spreads of 35.29% - 1302.00% below AWP See Exhibit B-18 to CC

### **KING GROUP**

#### Suffolk Amended Complaint

- Not named in Suffolk Complaint

#### Consolidated Complaint

- Fraudulent AWP compared with available price in 1999 for Humantin 250mg capsules (a spread of at least 66% over generally available market price) CC at ¶ 576
- Fraudulent AWP compared with available price in 2000 for Lorabid Pulv. 400mg capsule (spread of at least 57% over generally available market price) CC at ¶ 577

- Fraudulent AWP compared with available price in 2001 for Altace 10mg capsule (spread of at least 202% over generally available market price) CC at ¶ 578
- Fraudulent AWP for 173 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 88 NDCs with spreads of 40.84% - 1585.58% below AWP See Exhibit B-19 to CC

## **MEDIMMUNE**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Synagis vial 100mg SC at ¶ 258

### Consolidated Complaint

- Specific allegations that MedImmune concedes it inflates AWP for Synagis to compensate for administrative costs CC at ¶ 592
- Fraudulent AWP for 4 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 1 NDC with a spread of 40.84% below AWP See Exhibit B-20 to CC

## **MERCK**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for:
  - Crixivan tab 40mg
  - Fosamax tab 70mg
  - Singulair tab 10mg
  - Vioxx tab 25mg
  - Zocor tab 20mg, 40 mg
 SC at ¶ 259

### Consolidated Complaint

- Specific allegations of abuse in 2000 of nominal price exception for Pepcid, Zocor, Vioxx CC at 21, ¶ 602-606
- Specific allegations that Merck sold Zocor for \$0.28 per pill while reporting a Best Price for Zocor of \$2.30 per pill CC at ¶ 602



- Specific allegations that Merck sold Pepcid 20mg<sup>9</sup> for \$0.10 per pill while reporting an AWP of \$1.95 per pill CC at ¶ 602
- Fraudulent AWP's for 233 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 8 NDCs with spreads of 36.83% - 164.90% below AWP See Exhibit B-21 to CC

## MYLAN GROUP

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- Fraudulent AWP's and WAC's compared with actual available price in 2003 for Tizanidine HCL 4mg tablet (AWP spread of 189% over generally available market price; WAC spread of 128%) CC at ¶ 612
- AWP/WAC spreads of greater than 1.25% in 2002 for:
  - Hydrochlorothiazide 25mg Tablet
  - Diphenhydramine 50mg Caps
  - Dipyridamole 50mg Tablet
  - Furosemide 40mg Tablet
  - Hydroxyzine PAM 50mg Cap
  - Amitriptyline HCL 100mg Tablet
  - Albuterol Sulfate 4mg Tablet<sup>10</sup> CC at ¶ 614
- Specific allegation of disconnect between AWP and WAC for Dipyridamole 25mg in 2002 (AWP 115% over WAC) CC at ¶ 615
- Specific allegations from 2002 of disconnect between AWP and WAC for Dipyridamole 25mg (i.e., WAC increases do not correlate to AWP increases) CC at ¶¶ 615-617
- Fraudulent AWP compared with actual available price in 2000 for Atenolol (25mg 100s) CC at ¶ 618
- Fraudulent AWP's for 700 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 557 NDCs

<sup>9</sup> Went on FUL list on November 20, 2001. January 1- November 19, 2001 was reimbursed based on AWP

<sup>10</sup> Came off FUL list in August 2002. Was reimbursed based on AWP thereafter

with spreads of 42.61 – 6521.61% below AWP

See Exhibit B-22 to CC

## **NOVARTIS (Novartis, Sandoz, Geneva)**

### Suffolk Amended Complaint

- Fraudulent AWP for Clorazil

SC at ¶ 264

### Consolidated Complaint

- Fraudulent AWP compared with actual available prices in 2000 for Tegretol 200mg and Clorazil 100mg
- Fraudulent AWP compared with actual available prices for Ranitidine 2001-2002 (AWP spreads of 150%-598%
- OIG documented inflated AWP for Aredia in 2000
- Fraudulent AWP for 1089 NDCs in 2000
- Examples of generally available actual market prices for 336 NDCs with spreads of 40.68% - 8662.26% below AWP

CC at ¶ 630

CC at ¶ 631

CC at ¶ 632

See Exhibit A to CC

See Exhibit B-23 to CC

## **ORGANON**

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- False and inflated AWP compared with actual available price in 2002 for Remeron 15mg tablet
- Market share rebates for Desogen 0.15mg tablet in 1998
- Fraudulent AWP for 21 NDCs in 2000

CC at ¶ 638

CC at ¶ 640

See Exhibit A to CC

## **PAR**

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- False and inflated AWP compared with actual available price in 2000 for Dexamethasone 4mg CC at ¶ 646
- False and inflated AWP compared with actual available price in 2000 for Ranitidine 150mg CC at ¶ 648
- Fraudulent AWP's for 397 NDCs in 2000 See Exhibit A to CC
- Examples of generally available actual market prices for 143 NDCs with spreads of 55.39% - 6856.52% below AWP See Exhibit B-24 to CC

### **PFIZER GROUP (Pfizer, Agouron and Sanofi-Synthelabo, Inc.)**

#### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for:
  - Ambien tab 10mg
  - Glucotrol XL tab 10mg<sup>11</sup>
  - Lipitor tab 10mg, 20mg, 40mg
  - Neurontin tab 300mg, 400mg, 600mg
  - Norvasc tab 10mg, 5mg
  - Zithromax tab 250mg
  - Zoloft tab 100mg, 50mg
  - Zyrtec tab 10mg
  - Xalatan 0.005% eyedrops
  - Celebrex cap 100mg, 200mgSC at ¶ 268

#### Consolidated Complaint

- False and inflated AWP's for Bleomycin 15mg in 1996-1998 CC at ¶ 660
- Congressional findings of manipulated disparities between AWP's and direct prices for Vincasar in 1997 CC at ¶ 670
- Active marketing of 75% spread for Adriamycin CC at ¶¶ 671-672
- Active marketing of spreads for 100, 200 and 500mg vials of Toposar in 1995 CC at ¶¶ 674-676
- Fraudulent AWP's compared with actual prices for Adriamycin RDF

<sup>11</sup> Went on FUL list on November 20, 2001. From January 1-November 19, 2001 was reimbursed based on AWP.

10mg, 20mg, 50mg and 150mg in 1995

CC at ¶ 676

- Fraudulent AWP compared with actual prices for 663 NDCs in 2000 *See Exhibit A to CC*
- Examples of generally available actual market prices for 109 NDCs with spreads of 43.42% - 2185.68% below AWP *See Exhibit B-25 to CC*

## **PURDUE GROUP**

### Suffolk Amended Complaint

- Fraudulent AWP for OxyContin *SC at ¶ 280*

### Consolidated Complaint

- False and inflated AWP in 2000 for 100 count package of MS Contin 100mg tablet SA *CC at ¶ 683*
- False and inflated AWP in 2000 for 100 count package of Oxycontin 80mg tablet SA *CC at ¶ 684*
- Fraudulent AWP for 38 NDCs in 2000 *See Exhibit A to CC*
- Examples of generally available actual market prices for 35 NDCs with spreads of 41.85% - 182.82% below AWP *See Exhibit B-26 to CC*

## **SANOFI/AVENTIS GROUP (Sanofi-Synthelabo, Aventis Pharmaceuticals, Dermik, Aventis Behring, Hoechst Marion Roussel)**

### Suffolk Amended Complaint

- Fraudulent AWP for Helixate FS Sol 1000 *SC at ¶ 160*

### Consolidated Complaint

- Fraudulent pricing for Anzemet 5mg in 1997 *CC at ¶ 694*
- Specific examples of marketing spread for Anzemet and other drugs in 1997 *CC at ¶¶ 695-700*
- Marketing spread in 1997 for Anzemet 100mg IV in 5ml vial *CC at ¶ 701*

- DOJ documented specific fraudulent AWP for:
  - Anzemet Injectable (dolasetron Mesylate)
  - Factor VIII/ Bioclone
  - Factor VIII/ Helixate
  - Gammar (immune globulin) CC at ¶ 701
- OIG findings of inflated AWP for immune globulin 5mg, Anzemet 10mg, Taxotere 20mg CC at ¶ 702
- Fraudulent AWP for 281 NDCs in 2000. See Exhibit A to CC
- Examples of generally available actual market prices for 22 NDCs with spreads of 55.77% - 676.23% below AWP. See Exhibit B-27 to CC

## **SCHERING GROUP (Schering-Plough, Warrick)**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Claritin Tab 10mg CC at ¶ 289
- Fraudulent pricing in 2001 for Albuterol Inhaler 90mcg CC at ¶ 306

### Consolidated Complaint

- Specific allegations of bundling Schering's Proventil with Warrick's Albuterol Sulfate CC at ¶ 718
- Fraudulent AWP compared with actual wholesale prices in 1997 for Clotrimazole and Perphenazine CC at ¶ 739
- Fraudulent AWP compared with actual wholesale prices in 2002 for:
  - ISMN
  - Oxaprozin
  - Potassium Chloride
  - Sodium Chloride
  - Sulcrate Tablets CC at ¶ 740
- Fraudulent AWP compared with actual available price for Albuterol Sulfate 3ml 60s in 2000 (spread of 231%) CC at ¶ 741
- Fraudulent AWP compared with actual wholesale prices for Isosorbide Mononitrate and Albuterol in 1998, 1999, 2000-2001 CC at ¶ 742
- Fraudulent AWP for 278 NDCs in 2000. See Exhibit A to CC

- Examples of generally available actual market prices for 125 NDCs with spreads of 50.541126.78% below AWP.

See Exhibit B-28 to CC

## **SERONO**

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- Fraudulent AWP for 8 NDCs in 2000.

See Exhibit A to CC

## **TAP PHARMACEUTICAL**

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Prevacid Cap 15mg, 30mg

CC at ¶ 300

### Consolidated Complaint

- Specific allegation of abusing nominal price exception for Prevacid CC at ¶ 15, 23
- False and inflated AWP compared with actual prices for Prevacid 15mg and 30mg in 2000 CC at ¶ 764
- Sales of Prevacid 15 and 30mg at 0.24 per dose, contrasted with Reported AWP at \$4.20 and \$4.28 per pill in 2002 CC at ¶ 765
- False and inflated AWP for Lupron 22.5mg in 2000 CC at ¶ 769
- Fraudulent AWP for 24 NDCs in 2000. See Exhibit A to CC

## **TEVA GROUP**

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- Specific false and inflated AWP in 2003 for Glyuride 5mg tablet CC at ¶ 775

- Specific false and inflated AWP and WACs for Piroxicam 20mg (AWP was 7292% over available price; WAC was 2568% over available price) CC at ¶ 776
- AWP for Halopendol DEC 100mg/ml in 2003 of \$144. Available price of \$43.11 (spread of 234%) CC at ¶ 777
- False reporting of WACs for Halopridol DEC 100 mg/ml in 2003 CC at ¶ 777
- Specific false AWP in 2000 for Naproxen 500 mg, Ranitidine 150mg, Fluphenazine 25mg/ml, Etoposide 20ml/ml in 2000 CC at ¶ 780
- Fraudulent AWP for 790 NDCs in 2000. See Exhibit A to CC
- Examples of generally available actual market prices for 537 NDCs with spreads of 40.79% - 10377.19% below AWP See Exhibit B-29 to CC

## WATSON

### Suffolk Amended Complaint

- Not named in Suffolk Complaint

### Consolidated Complaint

- AWP / WAC spread in excess of 1.25% in 1996 for:
  - Fluphenazine HCL 1mg
  - Gemfibrozil 600mg
  - Imipramine HCL 10mg
  - Nadolol 20mg
  - Perphenazine 2mg
 CC at ¶ 801
- 353% spread in 2000 for Dicyclomine 20mg (reported AWP of \$33.11; generally available market price of \$2.31) CC at ¶ 803
- 103% spread in 2000 for Methylphenidate (reported AWP of \$47.40; generally available market price of \$23.52) CC at ¶ 804
- Fraudulent AWP for 984 NDCs in 2000. See Exhibit A to CC
- Examples of generally available actual market prices for 710 NDCs with spreads of 41.73% - 10880.09% below AWP See Exhibit B-30 to CC

## WYETH

### Suffolk Amended Complaint

- Fraudulent pricing in 2001 for Effexor Cap 75mg and Protonix Tab 40mg CC at ¶ 311

### Consolidated Complaint

- Active marketing of spread for Protonix; deep discounts for Protonix unaccounted for in calculation of AWP CC at ¶ 814
- Specific allegations of false and inflated AWP (compared with actual wholesale prices) for:
  - Ativan 2mg/ml 10ml vial
  - Ativan 2mg/ml 1ml 25s
  - Ativan 2mg/ml 10mls 10s
  - Ativan 2mg/ml 1ml 10s
  - Ativan 4mg/ml 1ml 10s
  - Ativan 4mg/ml 1ml 10s
  - Ativan 4mg/ml 10ml ea
  - Ativan 4mg/ml 1ml ea CC at ¶ 817
- Spreads of 1760% for Protonix 40mg in 2002 (AWPs of \$3.13/pill; Counties reimbursed at \$2.82 per pill; generally available market prices of \$0.16/pill) CC at ¶¶ 819-822
- Fraudulent AWP for 630 NDCs in 2000. See Exhibit A to CC
- Examples of generally available actual market prices for 164 NDCs with spreads of 45.48% - 20930.04% below AWP. See Exhibit B-31 to CC